

MINUTES OF AN ORDINARY MEETING OF THE BRIDGEND COUNTY BOROUGH  
COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET,  
BRIDGEND ON WEDNESDAY, 16 SEPTEMBER 2009 AT 3.00PM

Present:

Councillor J H Tildesley - Mayor in the Chair

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
D A D Brett	P A Hacking	C J Michaelides	G Thomas
R D L Burns	C E Hughes	L C Morgan	M Thomas
N Clarke	E M Hughes	M E J Nott	D A Unwin
H J David	K S Hunt	P Penpraze	K Watkins
A E Davies	M Inglesant	D R Pugh	K J Watts
C Davies	C J James	M Reeves	C Westwood
G Davies	R M James	D Sage	P J White
E Dodd	R D Jenkins	R Shepherd	M C Wilkins
D K Edwards	A Jones	S B Smith	H M Williams
P A Evans	D N W Jones	J C Spanswick	R Williams
C A Green	M Lewis	W H C Teesdale	M Winter
M Gregory			

Officers:

J Farrar	-	Chief Executive
G Moss	-	Corporate Director - Resources and Section 151 Officer
H Anthony	-	Corporate Director - Children
L Fradd	-	Corporate Director - Communities
A Harris	-	Corporate Director - Wellbeing
E Davies	-	Deputy Monitoring Officer
G P Jones	-	Principal Cabinet and Committee Officer
C Branford	-	Cabinet and Committee Officer

235 MINUTES OF PREVIOUS MEETINGS

RESOLVED: That the minutes of the meeting of Council held on 15 July 2009 be accepted as a true and accurate record.

236 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members and Officers, for the reasons so stated:-

Councillor D Buttle	-	Holiday
Councillor M Butcher	-	Unwell
Councillor K R T Deere	-	Unwell
Councillor E P Foley	-	Holiday
Councillor W B Morgan	-	Holiday
Councillor T Hacking	-	Unwell

237 DECLARATIONS OF INTEREST

None

238 MAYORAL ANNOUNCEMENTS

- (1) The Mayor wished our two newest comprehensives a very happy first birthday. Maesteg Comprehensive and Ysgol Gyfun Gymraeg Llangynwyd opened last September and have enjoyed a very successful first 12 months. They both offer an excellent standard of education to their pupils and play a very important role in the community. Congratulations to both.
- (2) The Mayor announced that he was very pleased to have attended a recent family fun day at Bryngarw Country Park organised by the Council's Youth Offending Service (YOS). He was really impressed with all the hard work which YOS had done to organise it. All proceeds will go to Ty Hafan and Y Bont Children's Hospices and victims of crime in the local area.
- (3) The Mayor informed Council that Bridgend County Borough Council will mark UK Older People's Day with a day of celebration and events at Bridgend Recreation Centre on Thursday 1st October. It's organised by our own 'Never Too Old Action Team' and is aimed at people aged 50 and older. The day will include exhibitions and advice stalls from local organisations and many free indoor and outdoor events so please encourage your constituents to go along.
- (4) The Mayor wished two of our longest serving employees well in their retirement. Last week the Mayor was very honoured to be present when our Superintendent Registrar Joyce Dare conducted her last citizenship ceremony before she officially retires next month. Over the years she has performed hundreds of civil partnership, citizenship, vow-renewal and marriage ceremonies and she will be greatly missed. And after nearly three decades as a dog warden and animal health officer, Royston Thomas has retired from his post with Bridgend County Borough Council. Royston has been a very familiar face for many residents around the county borough, especially among the farming and animal welfare community. We wish them both a long and happy retirement.

239 CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Chief Executive gave an update on the fire at the Archbishop McGrath School in the early hours of this morning. She explained that the Emergency Services had been in attendance and the fire had been contained to the Sports Hall and Technical Block. The School itself had been closed until further notice whilst safety checks were undertaken. The Fire Service had cordoned the area and had reserved the right to evacuate if necessary. The adjacent Ynysawdre School had also been closed for safety checks but it was hoped that this school would re-open tomorrow morning.

The School Diocese and the Local Authority are working together to ensure Archbishop McGrath is open as soon as possible. The Chief Executive thanked the staff of the Children's and Communities Directorates for all their efforts

240 LEADER'S REPORT

- (1) The Leader congratulated all our GCSE and AS and A-level students who achieved such excellent results in their examinations last month. This was a real tribute to their hard work, and to the commitment of our teachers. Well done.

- (2) The Mayor and the Leader were guests when Councillor Lyn Morgan recently opened Bridgend Recreation Centre's new changing village. Everyone was very impressed with the improvements that have been made and the feedback from customers has been excellent. Thank you to all the staff in the Wellbeing Directorate and our partners in the Sports Council who have worked hard to make this happen.
- (3) The Leader was also present at the recent opening of the new library extension at Sarn Lifelong Learning Centre. As ward member he stated that he knew that this would be a very important facility for the local community and has mainly come about thanks to the £200,000 of funding provided by CyMal and Bridgend County Borough Council itself. Thanks must also go to the Sarn and Bryncethin Community Association which gave £2,500 and to Communities First and Academi which led the children's project to create the paintings that decorate the library, along with a booklet and CD.
- (4) The Leader was amongst several hundred people who took part in the recent Council staff charity rounder's match, organised by Head of Adult Social Care Sue Cooper, who is trekking around Patagonia in November to raise money for the Alzheimer's Society. The event raised £1,200 for the charity and it was wonderful to see so many of our staff coming together to play, cheer on and sell raffle tickets and cakes. The photographs showed everyone having a great time. Sue and her colleagues helped her put on a fantastic event with a special well done to the overall winners, The Potty Parks.

241 QUESTIONS TO THE LEADER AND MEMBERS OF THE EXECUTIVE

Councillor C E Hughes and Councillor D A Unwin asked the following questions to Members of the Executive.

**Councillor C E Hughes to Cabinet Member Communities.**

- Q. "Too many cycle tracks lead to nowhere, so will priority be given to joining these tracks up before we continue to build new ones? The cycle path on the A48 stops in the middle of a very busy road and also the one in Tremains Road Brackla ends on a section of road that has no pavements".
- A. As you will be aware the Council currently has no capital funding dedicated to the development of its strategic and local cycle routes and networks. Therefore, the Council is reliant on external funding sources such as the Transport Grant provided by WAG, or Section 106 agreements to enable the design and construction of cycle routes.

This reliance on external funding requires the Council to take advantage of funding opportunities as and when they become available. As a result there are occasions where some routes, or sections of route, have to be implemented independently. Where possible, the Council seeks to avoid such occurrences.

However, this is not always possible. This is particularly the case where routes are provided through Section 106 agreements, which also determine the location of the proposed routes because they are associated with developments. The cycle route adjacent to the A48 is an example of a scheme which was linked to a Section 106 agreement associated with the Broadlands residential development. Therefore, whilst the Council will seek to complete strategic and local routes and

networks wherever possible, the reliance on external funding ensures that it is not always possible to do so.

All of the cycle routes within the county borough have been, and will continue to be, developed as part of either strategic or local networks. Routes forming part of the strategic network are intended to provide sustainable transport links between major settlements and include the Community Routes and the National Cycle Network developed by Sustrans. Such routes are identified in the Council's UDP and the recently adopted Walking and Cycling Strategy.

Local networks are developed to improve sustainable transport access to local services or facilities, an example would be the network of routes serving Bridgend town centre which includes the link from Broadlands. These local routes are often linked to Travel Plans developed by schools, community groups and proposed or existing developments and are therefore located where the school, community or development is based.

The Council has been very successful in targeting external funding opportunities, particularly in relation to schemes submitted to the Welsh Assembly Government for funding through the Safe Routes in Communities initiative. The most recent examples of which were the approvals of £218,000 for schemes throughout the ward of Blackmill, and £278,000 for works in Laleston associated with the Trelales Primary School Travel Plan.

For his supplementary question, Councillor C E Hughes asked if the cycle path on the A48 was a priority to be completed. The Cabinet Member informed him that progress on the cycle tracks was ongoing subject to grant funding and that if funding became available to complete the A48 section of the cycle path then it would be completed.

Councillor M Winter informed the Council that the cycle path through the Blackmill ward was not surfaced and that it suffered from severe "ponding". The Cabinet Member for Communities advised that the section in question was part of the network and was funded by external grants but that the maintenance cost were part of the revenue budget and had to be prioritised accordingly.

#### **Councillor D Unwin to Cabinet Member Resources**

- Q. "Under National Allotment Law, what acreage of land within BCBC should be utilised for allotment provision and do we achieve the minimum, given that there are waiting lists in all areas and details of which need to be obtained as a base line and updated annually to monitor progress and so assess our achievements in meeting the needs of BCBC residents?"
- A. Does BCBC have a statutory duty to provide allotments?

Yes. If BCBC believes that there is a demand for allotments, it has a statutory duty to provide a sufficient number of plots. (Section 23 of the Small Holdings and Allotments Act 1908).

Does BCBC have to supply a minimum number of plots or a minimum acreage of allotment sites within the Borough?

No, there is no legal minimum, either in terms of plot numbers or acreage, but BCBC do have to audit existing allotments, set standards of provision, and assess

their actual provision against these standards as part of Planning Policy Guidance 17 (PPG17).

The 1969 Thorpe Report recommended a minimum provision equivalent to 15 plots per 1,000 households, but this is not legally binding.

The Survey of Allotments, Community Gardens and City Farms, carried out by the University of Derby on behalf of the Department for Communities and Local Government in 2006 showed that the national average provision was 7 plots per 1,000 population.

There is no legal minimum size for an allotment. The Allotments Act 1922 defines 'allotment gardens' as 'an allotment not exceeding forty poles in extent which is mainly cultivated by the occupier for the production of vegetables and fruit crops for consumption by himself or his family'. (Section 22).

However, it is generally accepted that the average plot is 300 square yards or 250 square metres.

Does BCBC have to assess whether there is a demand for allotments in its area?

Local authorities are required to audit allotment provision as part of Planning Policy Guidance 17.

In addition, when assessing demand for allotments, the local authority must take into account any written representations on the need for allotments by any 6 residents on the electoral register or persons liable to pay council tax. (section 23(2) of the Small Holdings and Allotments Act 1908). We are aware that the Planning department has undertaken a survey of all allotment sites, statutory and non-statutory, publically and privately owned, within the County Borough as part of the Local Development Plan process and information is currently being analysed.

Who should provide allotments where there is a Town or Parish Council?

If there is a Town or Parish Council in a particular area, then the responsibility for allotments within the boundaries of that town or parish lies with them. A District Council, in this case, has no powers to act in any manner over allotments. (Paragraph 9 sub-paragraph (1) of Schedule 29 to the Local Government Act 1972). In Bridgend historically this responsibility has been shared between this Council and the Town and Community Council.

Since Local Government Re-organisation in 1996, the Resources Directorate (Property Department) has been responsible for allotments within BCBC. Initially a number of the sites were managed on a plot-by-plot basis, but in 2000, the Director of Corporate Services undertook a review of its allotment sites. This allotment review recommended the self management of allotments where possible, which was in line with the recommendations contained in the Select Committee report entitled "The Future of Allotments".

As a result, the Council has taken steps to devolve management of the allotment sites and 10 sites are now managed by the Bridgend County Allotment Association under a 10 year management agreement. This has proved to be successful and we continue to work with the association to develop the quantity and quality of the sites available.

The Council's Property Department is preparing an Allotment Strategy for Bridgend for the period 2009 - 2019 which aims to provide strategic guidelines for the management, administration, promotion, development and funding of allotments in the County borough. It also aims to raise the profile of allotments and to optimise their use for existing and potential tenants, suiting the needs of all sections of the community and Bridgend Town Council will, I am sure be keen to play a full role in this process.

Councillor D A Unwin informed the meeting that there were over 50 people waiting for allotment plots and it was hoped that the surveys being undertaken were working together to provide a complete profile of the available plots. The Cabinet Member responded that this was a combined effort which included the identification of all possible sites.

242 AMENDMENT OF THE CONSTITUTION

The Deputy Monitoring Officer presented a report which requested approval to make changes to Article 10.02, Part 2 of the Constitution due to legislative changes relating to joint arrangements. She advised that changes to the procedure and methods for undertaking joint arrangements were described in the report and that Cabinet had considered the amendments at its meeting yesterday, and had raised no objection.

RESOLVED: Council approves the amendment of Article 10.02, Part 2 of the Constitution, as set out in paragraph 4 of the report.

243 CRIME AND DISORDER SCRUTINY FUNCTIONS

The Deputy Monitoring Officer presented a report which advised Council of the new Crime and Disorder Overview and Scrutiny functions and to seek approval of consequential amendments to the Constitution.

She explained that Section 19 and 20 of the Police and Justice Act 2006 will come into force on 1 October 2009. From that date every County and Borough Council is required to have an Overview and Scrutiny Committee to oversee the decision making of the Community Safety Partnerships and its constituent bodies in respect of their community roles.

She added that the proposal was that the new functions would be undertaken by the Strategic Partnerships and Governance Overview and Scrutiny Committee rather than creating an additional Scrutiny Committee. However the Committee would be re-named the Safety Partnership and Governance Overview and Scrutiny Committee to reflect the changes to its remit.

Members welcomed the proposal but requested further details of the training that would be provided not only for the Committee but for all Members particularly regarding the "Councillor Call for Action". Members were advised that training was being planned for the Committee and that information would be provided to elected members that were not on the Committee.

It was also suggested that because the crime and disorder functions had an impact across all of the Overview and Scrutiny Committees and that the Chairs of the Scrutiny Committees needed to more involved in the new Community Safety Partnerships Overview and Scrutiny Committee. The Deputy Monitoring Officer advised that the Chairperson of a Scrutiny Committee already had the facility to

invite others to the meetings as necessary and that formal changes to the membership were not required. The Deputy Monitoring Officer further advised that this arrangement would be reviewed in six months time.

Members also raised concerns that the Committee would be swamped with "Councillors Call for Action". The Deputy Monitoring Officer advised that the process would be managed. The Corporate Director Communities added that this stressed the need for guidelines to be produced for members as soon as possible.

RESOLVED: That Council approves that:

- (1) The Strategic Partnerships and Governance Overview and Scrutiny Committee be renamed the Community Safety and Governance Overview and Scrutiny Committee and consequential amendment of the Constitution;
- (2) The Community Safety and Governance Overview and Scrutiny Committee to exercise the crime and disorder scrutiny functions of the Authority and have terms of reference to accord with the relevant statutory provisions, as set out in the appendix;
- (3) The amendment of the Constitution as set out in the appendix to the report and shown in italics;

244 ADMISSIONS AND EXCLUSION OF PUPILS FROM SCHOOLS – LAY PANEL MEMBERSHIP

The Deputy Monitoring Officer presented a report which apprised Members of the recent changes to the Codes of Practice on School Admissions and School Admission Appeals and to seek approval for the appointment of individuals who have applied to sit as lay members on Independent Appeal Panels for Admissions and Exclusions.

She advised that advertisements had been placed in the Local Press on 25 June 2009 and that the applicants that were assessed as meeting the criteria for appointment were listed in the report.

RESOLVED: Council approve that authority be given for the following named individuals to sit on panels to hear admissions and exclusions from schools within the County Borough for a period of four years but with no bar on re-appointment for a further term:

- (1) Edward Gwyn Chilcott
- (2) Lorna Jane Conway
- (3) Barrie Wilson

245 INFORMATION REPORTS AND MINUTES FOR NOTING

RESOLVED: That Council acknowledge the publication of the following information report and minutes of other Council bodies which

had been published since the last ordinary meeting of the Council:-

<u>Title</u>	<u>Date of Meeting</u>	<u>Date Published</u>
Development Control Committee	15 Jan 2009	10 Sep 2009
Development Control Committee	12 Feb 2009	10 Sep 2009
Development Control Committee	12 Mar 2009	10 Sep 2009
Development Control Committee	09 Apr 2009	10 Sep 2009
Development Control Committee	07 May 2009	10 Sep 2009
Development Control Committee	04 Jun 2009	10 Sep 2009
Development Control Committee	02 Jul 2009	10 Sep 2009
Development Control Committee	30 Jul 2009	10 Sep 2009
Town & Community Council Forum	14 Apr 2009	10 Sep 2009
Standards Committee	23 Apr 2009	10 Sep 2009
Audit Committee	03 Jun 2009	10 Sep 2009
Special Licensing Sub-Committee	26 May 2009	10 Sep 2009
Licensing Sub-Committee	02 Jun 2009	10 Sep 2009
Licensing Sub-Committee	16 Jun 2009	10 Sep 2009
Licensing Sub-Committee	30 Jun 2009	10 Sep 2009
Licensing Sub-Committee	14 Jul 2009	10 Sep 2009
Licensing Sub-Committee	28 Jul 2009	10 Sep 2009
Licensing Committee	11 Jun 2009	10 Sep 2009

The meeting closed at 3.54pm.